LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

NOTIFICATION

No. LAW 48 LCA 73, Bangalore, dated 16th November 1973.

The Government of Karnataka hereby order that the Indian Railways (Amendment) Act, 1973 (45 of 1973) which has been published in the Gazette of India, Extra-ordinary, Part II, Section-1, dated 15th September 1973 be republished in the **Karnataka Gazette**, for general information.

H. SUBBA RAO
Under Secretary to Government,
Department of Law and Parliamentary Affairs.

Assented to on 15th September 1973 Act No. 45 of 1973

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1973

An

ACT

further to amend the Indian Railways Act, 1890

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Indian Railways (Amendment) Act, 1973.

2. **Amendment of sectioin 47.**—(1) In section 47 of the Indian Railways Act, 1890 (9 of 1890) (hereinafter referred to as the prinicipal Act),—

(a) in sub-section (1), after clause (b), the following clause shall be inserted, namely :-

"(bb) for the cancellation of tickets (whether with reservation of accommodation or not), the

circumstances under which, and the time-limit within which, such cancellation may be allowed and the charges payable therefor;";

(b) in sub-section (2), for the words "fifty rupees", the words "one hundred and fifty rupees" shall be substituted.

(2) All charges levied and collected, or purported to have been levied and collected under the principal Act for cancellation of tickets (whether with reservation of accommodation or not) at any time before the commencement of this Act, shall be deemed to have been validly levied and collected in accordance with law and accordingly no suit or other proceeding shall be maintained in any court for the refund of any such charges.

3. Amendment of section 82C.—In section 82C of the principal Act,—

(a) in sub-section (1), for the words "may be made", the words "may be made to the Claims Commissioner" shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) If an applicant desires to be paid interim relief under section 82HH, he may send to the railway administration a copy of the application made under sub-section (1) with a request for payment of such interim relief.";

(c) in the Explanation, after the words "In this section", the words, figures and letters "and section 82HH" shall be inserted.

4. Amendment of section 82E.—In section 82E of the principal Act, in the proviso to sub-section (1),—

(a) in clause (ii), the word "and" shall be omitted;

(b) for clause (iii), the following clauses shall be substituted namely :—

"(iii) the payment by way of interim relief, if any, made to the applicant by the railway administration under section 82HH is not adequate; and

(iv) the amount of compensation directed to be paid under this section together with the payment by way of interim relief, if any, made under section 82HH is not likely to exceed the actual amount of compensation that may ultimately become payable".

5. **Insertion of new section 82HH.**—After section 82H of the principal Act, the following section shall be inserted, namely :—

"82HH. **Interim relief by railway administration.**—(1) Where on receipt of an application under sub-section (2A) of section 82C and after making such enquiry as it may deem fit, the railway administration is satisfied that circumstances exist which require relief to be afforded to an applicant for compensation immediately, it may, pending determination of the actual amount of compensation payable under section 82A, pay to any person who has sustained injury or suffered any loss, or where death has resulted from the accident, to any dependent of the deceased, such sum as it considers reasonable for affording such relief, so however, that the sum paid shall not exceed the amount of compensation payable at the rates prescribed under the rules made under section 82J.

(2) The railway administration shall, as soon as may be, after making an order regarding payment of interim relief under sub-section (1), send a copy thereof to the Claims Commissioner.

(3) Any sum paid by the railway administration under sub-section (1) shall be taken into account by the Claims Commissioner while determining the amount of compensation payable".

6. Amendment of section 82I.—In section 82I of the principal Act, for the figures and letter "82H", the figures and letters "82HH" shall be substituted

7. Amendment of section 108.—In section 108 of the principal Act, the following proviso shall be inserted at the end, namely:—

"Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, where a passenger, without reasonable and sufficient cause, makes use of the alarm chain provided by a railway administration, he shall be punished—

(a) in the case of conviction for the first offence, with fine which shall not be less than twenty-five rupees; and

(b) in the case of conviction for the second or subsequent offence, with imprisonment for a term which shall not be less than one month".

8. Amendment of section 118.—In section 118 of the principal Act,—

(a) in sub-section (1), for the words "with fine which may extend to twenty rupees", the words "with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both" shall be substituted;

(b) in sub-section (2), for the words "with fine which may extend to fifty rupees", the words "with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred and fifty rupees, or with both" shall be substituted.

9. Amendment of section 120A.—In section 120A of the principal Act,—

(a) in sub-section (1), the following proviso shall be inserted at the end, namely:—

"Provided that in the absence of special and adequate reasons to the contrary to be mentioned

in the judgment of the court, such fine shall not be less than fifty rupees."

(b) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1A) If any person convicted of an offence under sub-section (1) commits a like offence afterwards, he shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred and fifty rupees, or with both";

(c) in sub-section (2), after the word, brackets and figure "sub-section (1)", the words, brackets, figure and letter "or sub-section (1A)" shall be inserted.

10. Amendment of section 122.—In section 122 of the principal Act,—

(a) in sub-section (1), for the words "with fine which may extend to twenty rupees" the words "with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both" shall be substituted;

(b) in sub-section (2), for the words "with fine which may extend to fifty rupees", the words "with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred and fifty rupees, or with both" shall be substituted.

11. Amendment of section 126.—Section 126 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, for the words "If a person unlawfully—", the words, brackets and figures "Subject to the provisions of sub-section (2), if a person unlawfully—" shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

"(2) If a person unlawfully does any act or thing referred to in clause (a) or clause (b) or clause (c) or clause (d) or clause (e) of sub-section (1),—

(i) with intent to cause the death of any person and the doing of such act or thing causes the death of any person; or

(ii) with knowledge that such act or thing is so imminently dangerous that it must in all probability cause the death of any person or such bodily injury to any person as is likely to cause the death of such person,

he shall be punished with death or imprisonment for life".

12. Insertion of new section 126A.— After section 126 of the principal Act, the following section shall be inserted, namely :—

"**126A. Damage to or destruction of, certain railway properties.**—(1) Whoever, with intent to cause or knowing that he is likely to cause damage or destruction to any of the properties of a railway referred to in sub-Section (2) causes by fire, explosive substace or otherwise, damage to such property to the amount of one hundred rupees or upwards, or destruction of such property, shall be punished with imprisonment for a term which may extend to ten years.

(2) The properties of a railway referred to in sub-section (1) are railway track, bridges, station buildings and installations, carriages or wagons, locomotives, signalling, telecommunication, electric traction and block equipments and such other properties as the Central Government, being of opinion that damage thereto or destruction thereof is likely to endanger the operation of a railway, may by notification in the Official Gazette, specify.

(3) Every notification issued under sub-section(2) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of Parliament, as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.

Explanation.—Where the Houses of Parliament are summoned to re-assemble on different dates, the period of forty days shall be reckoned from the later of those dates."

13. Amendment of section 131.—In section 131 of the principal Act, in sub-section (1), after the figures "126,". the figures and letter "126A," shall be inserted.

K. K. SUNDARAM,
Secretary to the Government of India.

Printed by the Director of Printing, Stv., & Publications at the Govt. Press, Blore.